

REMARKS

The Office Action mailed March 4, 2002 has been reviewed and carefully considered.

Claims 1-8 have been amended. New Claims 9 - 19 have been added. Claims 1-19 are pending in this application.

Initially, Applicants note that Claim 1 has been amended to clarify the Applicants' invention and now recites, *inter alia*, "video computers, each being non-dedicated to a specific purpose and capable of performing a plurality of functions that are dynamically changeable independent of one another depending on a current need to be filled by the video computers".

The drawings have been objected to. New Figure 2 has been added to show a first arrangement 11A and a second arrangement 11B for processing video signals. Moreover, the specification has been amended to concur with new Figure 2. Applicants respectfully assert that no "new matter" has been added by the inclusion of new Figure 2 and the corresponding amendments to the specification. Accordingly, withdrawal of the objection is respectfully requested.

The specification has been objected to. The specification has been amended to now recite, *inter alia*, "The video hardware components and the video computers may also be coupled by means of a video crossbar 99." Further, Figure 1 has been amended to include reference numeral "99" corresponding to the video crossbar. Moreover, Figure 1 has been amended to include the reference "FIG. 1" and to remove the designations "1/1". A separate sheet including Figure 1 is attached hereto, with the amendments made in red ink. Accordingly, withdrawal of the objection is respectfully requested.

Claims 1-8 stand reject under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most connected, to make and/or use the invention. The Examiner has stated that the specification fails to identify the "dedicated purpose" of video components and the "plurality of functions" performed by video computers in the claimed arrangement. Applicants respectfully traverse the rejection.

"The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation" (United States v. Telectronics, Inc. 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988); see also MPEP §2164.01). Applicants respectfully assert that the "dedicated purpose" of video hardware components and the "plurality of functions"

performed by video computers in the claimed arrangement are readily ascertainable by one of ordinary skill in the art from the disclosures in the patent coupled with the information known in the art without undue experimentation. For example, a video hardware component having a dedicated purpose may be defined as any video hardware component that performs only the purpose(s) to which that video hardware component is dedicated to. Moreover, a plurality of functions capable of being performed by a video computer may be defined as any functions capable of being performed by a computer (see, e.g., Applicants' specification, p. 2, lines 24-26). Given the disclosure and information known in the art, examples of the dedicated purposes performed by video hardware components and functions performed by video computers may be readily identified by one of ordinary skill in the art without undue experimentation.

Moreover, before any analysis of enablement can occur, it is necessary for the Examiner to construe the claims. For terms that are not well known in the art, or for terms that could have more than one meaning, it is necessary that the Examiner selects the definition that he/she intends to use when examining the application, based on his/her understanding of what applicant intends it to mean, and explicitly set forth the meaning of the term and the scope of the claim when writing an Office action (see *Genentech v. Wellcome Foundation*, 29 F.3d 1555, 1563-64, 31 USPQ2d 1161, 1167-68 (Fed. Cir. 1994); see also MPEP §2164.04). Applicants respectfully assert that the Examiner has not met the burden in rejecting Claims 1-8 under 35 U.S.C. §112, first paragraph.

Accordingly, Applicants respectfully invite the Examiner to further clarify the basis of the rejection or, preferably, to respectfully reconsider the rejection.

Claim 1 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse the rejection.

With respect to statutory product claims, products may either be machines, manufactures, or compositions or matter. A machine is "a concrete thing, consisting of parts or of certain devices and combinations of devices" (*Burr v. Duryee*, 68 U.S. (1 Wall) 531, 570 (1863)). If a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product (see, e.g., *Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034-35; *Warmerdam*, 33 F.3d at 1361-62, 31 USPQ2d at 1760; MPEP §2106(TV)(B)(2)(a)). Accordingly, since Claim 1 is directed to a machine consisting of combinations of devices (e.g., video hardware components, video computers, a control circuit), Claim 1 recites statutory subject matter. Thus, reconsideration of the rejection is respectfully requested.

Claims 1-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Beaulier et al. (hereinafter "Beaulier").

Applicants respectfully assert that Beaulier does not teach or suggest "a control circuit for assigning tasks to the video computers, depending on the current utilization", as now recited in Claim 1. Rather, Beaulier discloses a selection circuit 19b that, instead of assigning tasks TO the video computers as recited in Claim 1, is itself assigned tasks BY a processor (i.e., HLC processor 110). That is, the selections made by the selection circuit 19b are assigned to the selection circuit 19b by the HCL processor 110, and not vice versa as essentially recited in Claim 1. Thus, the selection circuit as taught by Beaulier simply functions as a switch that is controlled by another entity, in contrast to the control circuit claimed in claim 1 that controls the video computers through the assignment of tasks.

Applicants respectfully point out to the Examiner that a reference cited against a claim under 35 U.S.C. §102 must disclose each and every limitation of the rejected claim. Accordingly, independent Claim 1 is allowable for at least the reasons set forth above.

Claims 2-8 depend from Claim 1 and, thus, contain all the limitations of Claim 1. Accordingly, Claims 2-8 are patentably distinct and non-obvious over the cited reference for at least the reasons set forth above with respect to Claim 1.

Moreover, Applicants respectfully assert that the dependant claims also contain patentable subject matter and are patentably distinct and non-obvious over the cited reference in their own right. For example, Applicants respectfully assert that Beaulier does not teach or suggest "at least one of the mixing and/or processing arrangements comprises a video computer which, dependent on the need, is assignable to one of the two mixing and/or processing arrangements", as recited in Claim 8. This feature of Claim 8 was not even addressed by the Examiner in the Office Action and is not disclosed in Beaulier.

Accordingly, reconsideration of the rejection of Claims 1-8 under 35 U.S.C. §102(e) is respectfully requested.

As noted above, new Claims 9-19 have been added. Applicants respectfully assert that Beaulier does not teach or suggest "wherein any of said video computers included in one of said first arrangement and said second arrangement may be dynamically assignable for use by said other one of said first arrangement and said second arrangement for processing video signals, on an as-needed basis, so as to minimize an overall number of video computers included in any one of said first arrangement and said second arrangement", as recited in new independent Claim 11.

Claims 9 and 10 depend from Claim 1 and, thus, contain all the limitations of Claim 1. Claims 12-19 depend from Claim 11 and, thus, contain all the limitations of Claim 11. Accordingly, Claims 9 and 10 and Claims 12-19 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claims 1 and 11, respectively.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of March 4, 2002 be withdrawn, that pending claims 1-19 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 07-0832.

Respectfully submitted,
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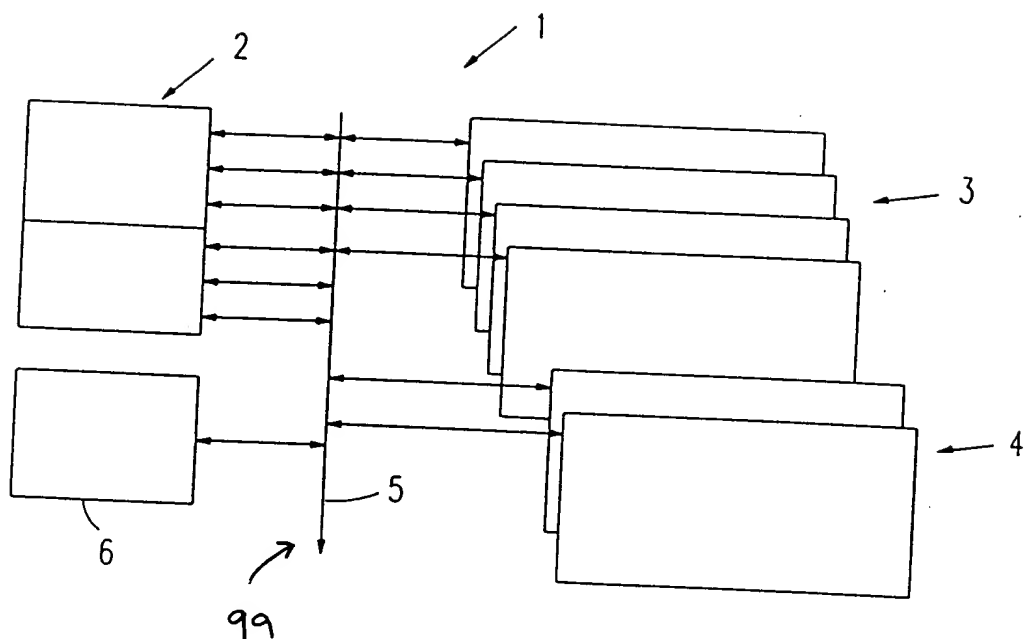


FIG. 1